

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ORDER DIRECTING THAT FINAL JUDGMENT BE ENTERED

On November 9, 2009, the Court issued an Order (Doc. # 262) that, among other things, determined claims against manufacturers of baby formula are preempted by federal law. While it is not clear whether Rule 54(b) applies in an MDL setting, the Court nonetheless concludes there is no just reason for delaying entry of final judgment as to these defendants. Accordingly, the Clerk of Court is directed to enter judgment in favor of Nestle USA Incorporated, Abbott Laboratories, and Mead Johnson & Company.

IT IS SO ORDERED.

DATE: January 4, 2010

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT